



Express Mail No.: EL 394 218 135 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Behlke et al.

Application No.: 09/497,943

Filed: February 4, 2000

For: PRIMER EXTENSION METHODS FOR  
PRODUCTION OF HIGH SPECIFIC  
ACTIVITY NUCLEIC ACID PROBES

Group Art Unit: Not yet assigned

Examiner: Not yet assigned

Attorney Docket No.: 7614-018-999

**TRANSMITTAL OF DECLARATION AND POWER OF ATTORNEY,  
VERIFIED STATEMENTS AND  
REQUEST TO ESTABLISH SMALL ENTITY STATUS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The Applicants submit herewith the following documents for the above-mentioned application: (1) an original Declaration and Power of Attorney executed by Aaron Mark Behlke, Eric Jeffrey Devor and Shale Anthony James on March 28, 2000 and Joseph Alan Walder, on March 30, 2000; and (2) a Verified Statement Claiming Small Entity Status for Integrated DNA Technologies, Inc.

The Applicants have assigned their entire right, title and interest in the instant application to Integrated DNA Technologies, Inc. Integrated DNA Technologies, Inc. qualifies as a Small Entity under 37 C.F.R. §§ 1.9(f) and 1.27(c).

It is respectfully requested that the application be accorded Small Entity Status in accordance with 37 C.F.R. §§ 1.9(f), and 1.27(c). The surcharge for filing the enclosed Declaration and Power of Attorney is estimated to be \$65.00 for a small entity. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date: April 4, 2000

  
Jennifer Gordon 30,753  
(Reg. No.)

By:

  
Nikolaos C. George 39,201  
(Reg. No.)

**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:  Application of: Behlke et al.

Application No.: 09/497,943

Group Art Unit: To be assigned

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For: PRIMER EXTENSION METHODS FOR  
PRODUCTION OF HIGH SPECIFIC ACTIVITY  
NUCLEIC ACID PROBES

Attorney Docket No.: 7614-018

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
[37 CFR 1.9(f) and 1.27(c)] - Small Business Concern

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I hereby declare that I am

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act in behalf of  
the concern identified below:

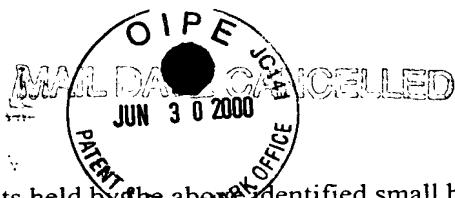
Name of organization Integrated DNA Technologies, Inc.

Address of organization 1710 Commercial Park  
Coralville, Iowa 52241

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern and/or there is an obligation under contract or law by the inventor(s) to convey rights to the small business concern with regard to the invention entitled "PRIMER EXTENSION METHODS FOR PRODUCTION OF HIGH SPECIFIC ACTIVITY NUCLEIC ACID PROBES" by inventor(s) Behlke et al. described in

the specification filed herewith  
 application no. 09/497,943 filed February 4, 2000



If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to: **PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, N.Y. 10036-2711

Direct Telephone calls to:  
**PENNIE & EDMONDS LLP**  
(212) 790-9090

Name of person signing Joseph A. Walder  
Title of person other than owner President  
Address of person signing 1710 Commercial Park  
Coralville, Iowa 52241

Signature Joseph A. Walder Date 3-30-01

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.  
(37 CFR 1.27)

**DECLARATION  
AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

**PRIMER EXTENSION METHODS FOR PRODUCTION OF HIGH SPECIFIC ACTIVITY NUCLEIC ACID PROBES**

and for which a patent application:

is attached hereto and includes amendment(s) filed on *(if applicable)*  
 was filed in the United States on February 4, 2000 as Application No. 09/497,943 *(for declaration not accompanying application)*  
 with amendment(s) filed on *(if applicable)*  
 was filed as PCT international Application No. on and was amended under PCT Article 19 on *(if applicable)*

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE
60/118,721	February 5, 1999

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

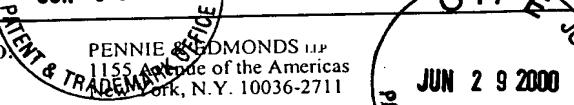
**POWER OF ATTORNEY:** As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebel (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balcancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundein (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Edmond R. Bannon (Reg. No. 32110), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), William S. Galliani (Reg. No. 31636), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), and Alan Tenenbaum (Reg. No. 34939), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.



PENNIE & EDMONDS LLP DOCKET NO. 7614-018

SEND CORRESPONDENCE TO:

PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, N.Y. 10036-2711



DIRECT TELEPHONE CALLS TO:  
PENNIE & EDMONDS LLP DOCKETING  
(212) 790-2803

201	FULL NAME OF INVENTOR	LAST NAME BEHLKE	FIRST NAME MARK	MIDDLE NAME AARON	
	RESIDENCE & CITIZENSHIP	CITY Iowa City	STATE OR FOREIGN COUNTRY Iowa	COUNTRY OF CITIZENSHIP USA	
	POST OFFICE ADDRESS	STREET 4 Fairview Knoll	CITY Iowa City	STATE OR COUNTRY Iowa	ZIP CODE 52240
202	FULL NAME OF INVENTOR	LAST NAME DEVOR	FIRST NAME ERIC	MIDDLE NAME JEFFREY	
	RESIDENCE & CITIZENSHIP	CITY Iowa City	STATE OR FOREIGN COUNTRY Iowa	COUNTRY OF CITIZENSHIP USA	
	POST OFFICE ADDRESS	STREET 913 Wylde Green Road	CITY Iowa City	STATE OR COUNTRY Iowa	ZIP CODE 52246
203	FULL NAME OF INVENTOR	LAST NAME JAMES	FIRST NAME SHALE	MIDDLE NAME ANTHONY	
	RESIDENCE & CITIZENSHIP	CITY Iowa City	STATE OR FOREIGN COUNTRY Iowa	COUNTRY OF CITIZENSHIP USA	
	POST OFFICE ADDRESS	STREET 1108 Wylde Green Road	CITY Iowa City	STATE OR COUNTRY Iowa	ZIP CODE 52246
204	FULL NAME OF INVENTOR	LAST NAME WALDER	FIRST NAME JOSEPH	MIDDLE NAME ALAN	
	RESIDENCE & CITIZENSHIP	CITY Chicago	STATE OR FOREIGN COUNTRY Illinois	COUNTRY OF CITIZENSHIP USA	
	POST OFFICE ADDRESS	STREET 2709 West Sherwin	CITY Chicago	STATE OR COUNTRY Illinois	ZIP CODE 60645
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
206	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 	SIGNATURE OF INVENTOR 202 	SIGNATURE OF INVENTOR 203 
DATE 3/28/00	DATE 3/28/00	DATE 3/28/00
SIGNATURE OF INVENTOR 204 	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE 3-30-00	DATE	DATE